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FOR IMMEDIATE RELEASE: Thursday, December 1, 2011

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## Federal Health Care Lawsuit

PIERRE, S.D. – Attorney General Marty Jackley releases further details on the U.S. Supreme Court's oral argument in the Federal Health Care Reform Act case. The Court has allotted five-and-a-half hours for oral arguments expected to be heard by this February or March, with a decision potentially by late June 2012.

The agenda is listed below:

## **Oral Argument Agenda**

Whether the individual mandate requiring Americans to purchase qualifying health product is severable from the entire Health Care Act

90 minutes

Whether Congress had authority to enact the individual coverage provision

120 minutes

Whether challenges to the Health Care Act are barred by the Anti-Injunction Act, (The Court will also advise whether the Anti-Injunction Act, that precludes certain court action seeking to prevent the assessment and collection of taxes, precludes a court from hearing the State's claims to enjoin the operation of individual mandate.)

60 minutes

Whether the Medicaid expansion spills from encouragement to coercion under *SouthDakota v. Dole* and thus violates "basic principles of federalism"

60 minutes

"I am pleased that the U.S. Supreme Court has agreed to address this significant Congressional action," said Jackley. "Both the federal trial court and appellate court have ruled that Congress has exceeded its authority with this unprecedented mandate requiring all individuals to purchase health insurance. We will continue this fight to protect state and individual rights, and to avoid the adverse impact on our state budget."

On March 23, 2010, South Dakota joined Florida and 12 other states in the lawsuit. The multi-state litigation challenging the Health-Care Reform Act has now expanded to 26 states plus the assistance of Virginia. On January 31, 2011, the U.S. Federal Court ruled in favor of the states determining that the

-30-	Health-Care Reform Act was unconstitutional. On August 12, 2011, the 11 <sup>th</sup> Circuit Appellate Court affirmed the federal trial court's determination that Congress had exceeded its constitutional authority with the mandate.
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